



State of Utah

Department of Natural Resources

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Division of Oil, Gas & Mining

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February 6, 2006

Mr. Gil Mitchell
Ned B. Mitchell, Inc.
P. O. Box 186
Altamont, Utah 84001

Subject: Definition of "Pit" Relating to a Sand Deposit near Big Sand Wash Reservoir

Dear Mr. Mitchell:

On September 2, 2005, I met you at your property near the Big Sand Wash Reservoir and viewed an alfalfa field underlain by a sand deposit that appears to be several feet thick. You indicated the deposit was about 22 feet thick and that the alfalfa field was about ten acres. I did not verify these exact numbers, but they looked to be approximately correct. Assuming the deposit thickness is consistent and that this is the correct area, it would contain about 355,000 cubic yards of sand.

There is a drainage running next to the field, and the sand deposit has been exposed by this drainage. Sand has been excavated from one place along this drainage and has been stockpiled in one corner of the field (see attached photo).

Utah is one of the leading producers of sand, gravel, and crushed stone in the United States with a value in 1998 of about \$179.3 million (USGS figures). This material is mined from various kinds of deposits including bedrock and alluvial deposits like yours.

In Susan White's letter of May 16, 2005, she discussed the definition of "pit." As stated in that letter, "pit" is defined as "a mine, quarry, or excavation worked by the open-cut method to obtain material of value" (Dictionary of Mining, Mineral, and Related Terms, www.edumine.com). This same reference defines the term "excavation" as "a pit, cavity, hole, or other uncovered cutting produced by excavation," or as "the act or process of removing soil and/or rock materials from one location and transporting them to another. It includes digging, blasting, breaking, loading, and hauling, either at the surface or underground."

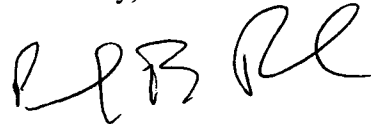
In one location at your alfalfa field, there was an "excavation" from which sand was being dug and, I assume because I did not actually view trucks hauling

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material away, removed and transported to another location. ***Based on these observations and this minor assumption, the excavation qualifies as a "pit."***

I hope this gives the information you need. If you have further questions, please contact me at 801-538-5261.

Sincerely,

A handwritten signature in black ink, appearing to read 'PBB' followed by a stylized flourish.

Paul B. Baker
Senior Reclamation Biologist

PBB:pb
Attachment: Photograph
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Alfalfa field underlain by a sand deposit upstream from the Big Sand Wash Reservoir.